

Appl. No. 10/063,228
Response Dated 09/17/2004
Reply to Office Action of June 17, 2004

REMARKS

This Amendment, submitted in response to the non-final Office Action dated June 17, 2004, is believed to be fully responsive to the points of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

The drawings were objected to as failing to comply with 37 CFR 1.84 (p) (5). Applicants thank the Examiner for pointing out the informalities. As required, reference characters "H1" and "H2" are indicated in Fig. 2a and Fig. 2b, in the supplied replacement drawing sheet (01 number) in compliance with 37 CFR 1.84 (c). Claims 1, 3-8 and 10-11 are pending. Claims 2 and 9 are cancelled and their recitations are included in claims 1 and 7 respectively. Claims 1, 5 and 7 are amended above. No new matter has been added by the amendments.

Reconsideration of the rejections in light of the amendments and the following remarks is respectfully requested.

1. 35 U.S.C. § 112 and 35 U.S.C. § 101:

Claims 5-6 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite and over 35 U.S.C. § 101 based on the theory that claim 5 is directed to neither a "process" nor a "machine." Applicants respectfully traverse these rejections in light of the amendments made and the following comments.

Applicants submit that Claim 5 is directed towards an apparatus. Applicants have amended the Claim 5, however, to clarify that the processing means is "configured to" perform the operations listed therein. Accordingly, Applicants respectfully request the withdrawal of rejection of claims 5-6, under 35 U.S.C. § 112 and 101.

2. 35 U.S.C. § 102(b):

Claims 1, 4, 7, 8 and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by Pietrzak (US Patent 6,205,240, hereinafter "Pietrzak"). Applicants respectfully traverse these

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rejections in light of the amendments made and the following comments.

For example, Claim 1 has been amended above to further specify that the position of the first light source (S1) and the second imaging means (M2) are co-located in space so to be coincident with each other as is the position of the second light source (S2) and the first imaging means (M1).

Applicants respectfully submit, as also noted by the Examiner under "Allowable Subject Matter", that Pietrzak (and the prior art of record) does not does not disclose the position of the first light source (S1) and the second imaging means (M2) co-located in space so to be coincident with each other, and similar positional arrangement of the second light source (S2) and the first imaging means (M1) as recited in Claims 1 or 7.

Accordingly, Applicants respectfully submit that the amended Claims 1 and 7 are patentably distinguishable over Pietrzak for at least the reasons cited above. Further, as Claim 4 depends from Claim 1, and Claims 8, 10 depend from Claim 7, these claims are also patentably distinguishable over the applied art for at least the reasons above. In view of the above, Applicants respectfully submit that the Claims 1, 4, 7-8, and 10 are believed to be allowable under 35 U.S.C. § 102(b).

3. Allowable Subject Matter

Applicants note that amended claims 1 and 7 include the recitations of claims 2 and 9 respectively, and are accordingly believed to be patentably distinguishable over the prior art of record. Accordingly, Applicants further submit that claim 3 that depends from Claim 1 is believed to be allowable.

Claim 5 has been amended to be directed towards an apparatus, as required by 35 U.S.C. § 112, second paragraph, and 35 U.S.C. § 101. According, claims 5-6 are believed to be allowable.

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CONCLUSION

In view of the foregoing, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are respectfully requested.

Should the Examiner believe that anything further is needed to place the application in even better condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number below.

Respectfully submitted,



Jean Testa
Reg. No. 39,396

General Electric Company
Building K1, Room 3A62
Schenectady, New York 12301
9/17/04
Telephone: (518) 387-5115
FAX: (518) 387-7751